



OFFICE OF THE POLICE COMMISSIONER

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CHAN

June 4, 2012

Memorandum for:

Deputy Commissioner, Trials

Re:

Police Officer Randy Pagan

Tax Registry No. 904735

Property Clerk Division

Disciplinary Case Nos. 2010-557, 2010-562, 2010-559 &
2011-4932

The above named member of the service appeared before Assistant Deputy Commissioner Robert W. Vinal on October 11, 2011, and was charged with the following:

DISCIPLINARY CASE NO. 2010-557

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail to notify the radio dispatcher of pickup assignments not emanating from the Communications Section.

**P.G. 202-23, Page 1, Paragraph 14 RADIO MOTOR PATROL RECORDER
DUTIES AND RESPONSIBILITIES**

2. Said Police Officer Randy Pagan, while on duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail and neglect to follow the Directed Accident Response Program procedures, to wit: said Police Officer did fail to notify the Communications Section dispatcher when towing services were needed, as required.

**P.G. 217-09, Page 2, Paragraph 3 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P.)
VEHICLE ACCIDENTS**

3. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail and neglect to transmit proper final dispositions to the radio dispatcher, as required.

**P.G. 202-23, Page 1, Paragraph 7 RADIO MOTOR PATROL RECORDER
DUTIES AND RESPONSIBILITIES**

4. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 and July 17, 2008, did fail and neglect to maintain said Police Officer's Activity Log (PD 112 145), to wit: said Police Officer did fail and neglect to make proper entries regarding his activities during his tour, including failing to enter final dispositions of disabled vehicles.

P.G. 212-08, Page 1 ACTIVITY LOGS, COMMAND OPERATIONS

POLICE OFFICER RANDY PAGAN

DISCIPLINARY CASE NO. 2010-557

5. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did allow an improper tow truck to tow a vehicle.

**P.G. 217-09, Page 2, Paragraph 6 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P.)
VEHICLE ACCIDENTS**

6. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail to prepare a Tow Truck Violation Report (PD 666-151) for an improper tow truck present on the scene to tow a vehicle.

**P.G. 209-34, Page 3, Paragraph 2 TOW TRUCK ENFORCEMENT/COMMON
SUMMONSABLE OFFENSES
SUMMONSES**

7. Said Police Officer Randy Pagan, while on duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 and July 16, 2008, did use his personal cell phone while on duty.

**P.G. 203-06, Page 1, Paragraph 17 PERFORMANCE ON DUTY
PROHIBITED CONDUCT – GENERAL
REGULATIONS**

8. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about July 16, 2008, did fail an Integrity Test, to wit: said Police Officer did fail and neglect to properly prepare a Police Accident Report, in that said Police Officer did fail to enter the Towing Company information on said report.

**P.G. 217-09, Page 3, Paragraph 9 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P.)
VEHICLE ACCIDENTS**

9. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about July 17, 2008, did fail and neglect to prepare a Police Accident Report.

**P.G. 217-09, Page 3, Paragraph 9 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P.)
VEHICLE ACCIDENTS**

POLICE OFFICER RANDY PAGAN

DISCIPLINARY CASE NO. 2010-559

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did utilize his personal vehicle during his tour, for reasons unrelated to the business of the Department or the City of New York.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

2. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did fail to report to the Desk Officer when he left the Command during his tour of duty.

P.G. 202-21, Page 1, Paragraph 4

**POLICE OFFICER – DUTIES AND
RESPONSIBILITIES**

3. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, was absent from his assignment without permission or police necessity. (*As amended*)

P.G. 203-05, Page 1, Paragraph 2

**PERFORMANCE ON DUTY – GENERAL
REGULATIONS**

4. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did fail to make entries in his memo book regarding his absence from the Command.

P.G. 212-08, Page 1, Paragraph 1

**ACTIVITY LOGS - COMMAND
OPERATIONS**

5. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail to remain in full uniform.

P.G. 204-01, Page 1, Paragraph 2

**GENERAL UNIFORM REGULATIONS
UNIFORMS AND EQUIPMENT**

DISCIPLINARY CASE NO. 2010-562

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 3, 2009, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Police Officer, having been scheduled to appear in Traffic Court for a hearing regarding a summons, did fail to: (a) bring his Activity Log covering the date the summons was issued; and (b) have copies of the summons or any other notes to assist in his testimony, resulting in his inability to testify and the dismissal of the summons.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

POLICE OFFICER RANDY PAGAN

DISCIPLINARY CASE NO. 2011-4932

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 84th Precinct, on or about October 12, 2010 and December 10, 2010, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail two (2) Quality Assurance Division tests.

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

2. Said Police Officer Randy Pagan, while on-duty and assigned to the 84th Precinct, on or about December 26, 2010, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did report late for his scheduled tour of duty and did fail to notify the 84th Precinct Desk Officer that he would be reporting late for work.

P.G. 203-03, Page 1, Paragraph 3

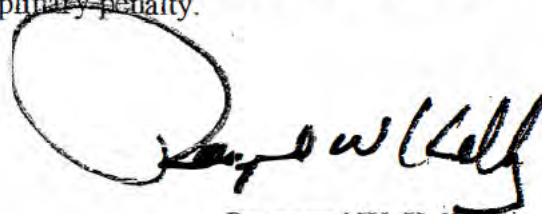
**COMPLIANCE WITH ORDERS
GENERAL REGULATIONS**

P.G. 203-10, Page 1, Paragraph 5

**PUBLIC CONTACT – PROHIBITED
CONDUCT – GENERAL REGULATIONS**

In a Memorandum dated November 21, 2011, Assistant Deputy Commissioner Vinal, found the Respondent Guilty of all of the above referenced Charges and Specifications. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

Based upon the totality of the circumstances herein, a more significant penalty is warranted. Therefore, the Respondent is to forfeit forty (40) vacation days and be placed on one-year dismissal probation, as a disciplinary penalty.

A handwritten signature in black ink, appearing to read "Raymond W. Kelly", is written over a large, faint circular stamp or watermark.

Raymond W. Kelly
Police Commissioner



POLICE DEPARTMENT

November 21, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Randy Pagan
Tax Registry No. 904735
Property Clerk Division
Disciplinary Case Nos. 2010-557, 2010-562, 2010-559 &
2011 4932

The above-named member of the Department appeared before me on October 11, 2011, charged with the following:

Disciplinary Case No. 2010-557

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail to notify the radio dispatcher of pickup assignments not emanating from the Communications Section.

P.G. 202-23, Page 1, Paragraph 14 RADIO MOTOR PATROL RECORDER
DUTIES AND RESPONSIBILITIES

2. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail and neglect to follow the Directed Accident Response Program procedures, to wit: said Police Officer did fail to notify the Communications Section dispatcher when towing services were needed, as required.

P.G. 217-09, Page 2, Paragraph 3 – DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P)
VEHICLE ACCIDENTS

3. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did fail and neglect to transmit proper final dispositions to the radio dispatcher, as required.

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P.G. 202-23, Page 1, Paragraph 7 RADIO MOTOR PATROL RECORDER
DUTIES AND RESPONSIBILITIES

4. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 and July 17, 2008, did fail and neglect to maintain said Police Officer's Activity Log (PD 112 145), to wit: said Police Officer did fail and neglect to make proper entries regarding his activities during his tour, including failing to enter final dispositions of disabled vehicles.

P.G. 212-08, Page 1 – ACTIVITY LOGS
COMMAND OPERATIONS

5. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 (Integrity Test), July 16, 2008 (Integrity Test) and July 17, 2008 (observations), did allow an improper tow truck to tow a vehicle.

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VEHICLE ACCIDENTS

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P.G. 209-34, Page 3, Paragraph 2 TOW TRUCK ENFORCEMENT/COMMON
SUMMONSABLE OFFENSES
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7. Said Police Officer Randy Pagan, while on duty and assigned to the 43rd Precinct, on or about and between April 9, 2008 and July 16, 2008, did use his personal cell phone while on duty.

P.G. 203-06, Page 1, Paragraph 17 – PERFORMANCE ON DUTY
PROHIBITED CONDUCT – GENERAL
REGULATIONS

8. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about July 16, 2008, did fail an Integrity Test, to wit: said Police Officer did fail and neglect to properly prepare a Police Accident Report, in that said Police Officer did fail to enter the Towing Company information on said report.

P.G. 217-09, Page 3, Paragraph 9 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P)
VEHICLE ACCIDENTS

9. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about July 17, 2008, did fail and neglect to prepare a Police Accident Report.

P.G. 217-09, Page 3, Paragraph 9 DIRECTED ACCIDENT RESPONSE
PROGRAM (D.A.R.P)
VEHICLE ACCIDENTS

Disciplinary Case No. 2010-562

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 3, 2009, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, in that said Police Officer, having been scheduled to appear in Traffic Court for a hearing regarding a summons, did fail to: (a) bring his activity log covering the date the summons was issued; and (b) have copies of the summons or any other notes to assist in his testimony, resulting in his inability to testify and the dismissal of the summons.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED
CONDUCT - GENERAL REGULATIONS

Disciplinary Case No. 2010-559

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did utilize his personal vehicle during his tour, for reasons unrelated to the business of the Department or the City of New York.

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT PROHIBITED
CONDUCT GENERAL REGULATIONS

2. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did fail to report to the Desk Officer when he left the Command during his tour of duty.

P.G. 202-21, Page 1, Paragraph 4 POLICE OFFICER – DUTIES AND
RESPONSIBILITIES

3. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, was absent from his assignment without permission or police necessity. (*As amended*)

P.G. 203-05, Page 1, Paragraph 2 – PERFORMANCE ON DUTY – GENERAL
REGULATIONS

4. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did fail to make entries in his memo book regarding his absence from the Command.

P.G. 212-08, Page 1, Paragraph 1 ACTIVITY LOGS – COMMAND
OPERATIONS

5. Said Police Officer Randy Pagan, while on-duty and assigned to the 43rd Precinct, on or about September 20, 2009, did wrongfully engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail to remain in full uniform.

P.G. 204-01, Page 1, Paragraph 2 GENERAL UNIFORM REGULATIONS
UNIFORMS AND EQUIPMENT

Disciplinary Case No. 2011-4932

1. Said Police Officer Randy Pagan, while on-duty and assigned to the 84th Precinct, on or about October 12, 2010 and December 10, 2010, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did fail two (2) Quality Assurance Division tests.

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED
CONDUCT
GENERAL REGULATIONS

2. Said Police Officer Randy Pagan, while on-duty and assigned to the 84th Precinct, on or about December 26, 2010, did engage in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer did report late for his scheduled tour of duty and did fail to notify the 84th Precinct Desk Officer that he would be reporting late for work.

P.G. 203-03, Page 1, Paragraph 3 – COMPLIANCE WITH ORDERS
GENERAL REGULATIONS

P.G. 203-10, Page 1, Paragraph 5 PUBLIC CONTACT PROHIBITED
CONDUCT
GENERAL REGULATIONS

The Department was represented by Pamela Naples, Esq., Department Advocate's Office, and the Respondent was represented by Craig Hayes, Esq.

The Respondent, through his counsel, entered pleas of guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation hearing record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded guilty, is found Guilty.

SUMMARY OF EVIDENCE IN MITIGATION

With regard to Disciplinary Case No. 2010-557, Respondent testified that on April 9, 2008, July 16, 2008, and July 17, 2008, he was on-duty assigned to the 43 Precinct, and that during the course of each of these three tours of duty, he responded to the scene of what he believed was a vehicular accident.¹ Respondent admitted that during each of these three police responses, he failed to notify the radio dispatcher that he had responded to a "pickup assignment" which had not emanated from the Communications Section; he failed to follow Directed Accident Response Program (DARP) procedures in that he did not notify the Communications Section dispatcher when towing services were needed; he failed to transmit proper final dispositions to the radio dispatcher; he failed to maintain his Activity Log in that he did not make proper

¹ He was not aware that on both April 9, 2008 and July 16, 2008, he was the subject of an Integrity Test and that on July 17, 2008 his actions were being observed by a Department investigator.

entries regarding his activities during these three tours including that he failed to enter final dispositions regarding disabled vehicles; and that on each occasion he allowed an improper tow truck to tow a vehicle.

Respondent also admitted that during the April 9, 2008, and July 17, 2008 responses, he failed to prepare a Tow Truck Violation Report regarding an improper tow truck which arrived on the scene to tow a vehicle; that on April 9, 2008, and July 16, 2008, he used his personal cell phone while he was on duty; that during the July 16, 2008, response, he failed to properly prepare a Police Accident Report (PAR) in that he did not enter the Towing Company information on the PAR; and that during the July 17, 2008, response, he failed to prepare a PAR.

Respondent testified that on April 9, 2008, July 16, 2008, and July 17, 2008, he used his cell phone to call "Five Js Towing" from the scenes of the accidents to which he had responded where vehicles needed to be towed. He asserted that he called "Five Js Towing" because he knew that "Five Js Towing" was a towing company which was on the 43 Precinct's DARP list of towing companies that were authorized to tow disabled vehicles from accident scenes. He also asserted that "Five Js Towing" was "the only company in the 43, which they own several other companies in the 43," and that the DARP program in the 43 Precinct consisted only of tow trucks that were owned by the same company that owned "Five Js Towing."

Respondent further testified that although he did not follow DARP procedures in that he did not notifying the Communications Section dispatcher that towing services were needed at these accident scenes, his sole purpose in calling "Five Js Towing" directly on these three occasions was to "expedite the job" regarding getting a tow truck

to respond to the scene. He was aware from past experience that going through the Communications Section dispatcher to obtain towing services would require him to wait at the scene for 30 to 40 minutes for a tow truck to respond to the scene. He did not want to have to wait at the scene that long because he "was holding on queue for other jobs" that required a police response. Regarding his acknowledged failure to fill out a PAR on one occasion and not enter the name of the tow truck company on a PAR, he testified that although he "totally forgot" to do this, the owner of the towed vehicle was provided with a receipt.

With regard to Disciplinary Case No. 2010-559, Respondent admitted that on September 20, 2009, he was on-duty assigned to the 43 Precinct, and that during his tour of duty he was absent from his assignment without permission or police necessity in that he left his command during his tour of duty, that he failed to report to the Desk Officer that he was leaving, that he used his personal vehicle for reasons unrelated to Department business, that he failed to make an entry in his memo book regarding his absence from the command, and that he failed to remain in full uniform.

Respondent explained that because he "works midnights," he "barely gets to see" his "live-in girlfriend." On September 20, 2009, while he was inside the 43 Precinct because his partner had made an arrest, his girlfriend called him and offered to bring him some dinner. When she arrived and parked in front of the 43 Precinct, he put on a sweatshirt over his uniform shirt, walked outside, got into the car with her and they chatted while he ate his meal sitting inside the car with her for about 20 minutes.

With regard to Disciplinary Case No. 2010-562, Respondent admitted that when he appeared in Traffic Court September 3, 2009, to testify at a hearing regarding a

summons he had issued, he failed to bring with him his Activity Log which contained the entry documenting the summons he had issued and he also failed to bring with him a copy of the summons or any notes to assist him in his testimony, which resulted in his inability to testify at the hearing and the dismissal of the summons.

Respondent testified that he never received written notice that he had to appear in Traffic Court September 3, 2009, and that he was verbally notified by the Desk Officer that he had to go to Traffic Court that day as he "was walking out the door to go home." He went directly to Traffic Court but, as a result of this late notification, he was unprepared to testify at the Traffic Court hearing because he had not had the time to obtain his memo book which contained the entry about the summons he had issued or to obtain his copy of the summons.

With regard to Disciplinary Case No. 2011-4932, Respondent testified that on October 12, 2010, he was on-duty and assigned to the 84 Precinct as the Assistant Desk Officer (ADO). As ADO, he was very busy checking property, looking for vehicles and preparing checklists. He answered a telephone call in which the caller complained that a car was blocking a driveway at a supermarket. Respondent admitted that during his telephone conversation with this caller he could have been more courteous and he could have provided more information to this complainant. Respondent also admitted that he spoke "a little too strong" and was "a little rough" and short with the caller because he "was overwhelmed" with work and "was running back and forth," although he did not use any profanity during this conversation or during a subsequent conversation on

December 10, 2010.² Finally, Respondent admitted that on December 26, 2010, he reported late for his scheduled tour of duty without having called and notified the 84 Precinct Desk Officer that he would be reporting late for his tour.

Respondent testified that he has never been found guilty of Charges and Specifications alleging that he had committed misconduct. He explained that between 2008 and 2010, he “was going through some personal issues” involving a divorce and financial problems that included a possible foreclosure on his home. He asserted that these personal problems affected his job performance during that period of time but that his personal life has improved since 2010 and he is prepared to resume full duty status as a police officer.

On cross-examination, Respondent acknowledged that he was familiar with DARP procedures and that he had failed to follow DARP procedures on all three of the charged occasions and that he had failed to properly prepare PARs on two of these three occasions. Respondent also acknowledged that on all three of the charged occasions he had no radio contact with the Department at all while he was at the scenes and that he had used his personal cell phone to call “Five Js Towing” even though he knew that he was not supposed to use his personal cell phone while he was on duty.

With regard to September 20, 2009, he recalled that at the 43 Precinct he helped his partner process his arrest by fingerprinting the suspect. After his girlfriend called him and told him that she was bringing him his dinner, he put on a sweatshirt over his uniform shirt, exited the precinct without telling anyone, got into her car and ate his meal, which

² Respondent later learned that these calls were Quality Assurance Division tests. The recording of the October 12, 2010 telephone conversation (Respondent’s Exhibit 1) shows that the 84 Precinct telephone rang over 20 times before Respondent picked up.

took about 20 minutes. He then drove her to her cousin's house which was about three blocks away. He testified that he was aware that he was not permitted to drive a non-Department, private vehicle while he was dressed in only a partial police uniform.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 N.Y. 2d 222 (1974).

Respondent was appointed on August 30, 1993. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pleaded guilty to having committed multiple acts of misconduct on eight separate dates between April 9, 2008 and December 26, 2010. During this 32-month period Respondent violated a wide variety of required practices and procedures. These included being absent from his assignment without permission or police necessity during his tour of duty, failing to notify the Desk Officer that he was leaving the command, using a personal vehicle while on duty for reasons unrelated to Department business, failing to remain in full uniform while on duty, reporting late for his scheduled tour of duty and failing to notify the Desk Officer that he would be reporting late. Respondent also failed Quality Assurance Division tests on two occasions in that he was rude to a caller who was posing as a civilian complainant.

Respondent's most serious misconduct involves his handling of the three "pickup" assignments in which he responded to what he believed were vehicular

accidents where disabled vehicles had to be towed from the scene. On all three of these occasions, Respondent violated a number of Departmental procedures. Respondent violated Department communications procedures by failing to notify the radio dispatcher that he had responded to these pickup assignments and by failing to notify the radio dispatcher of the final dispositions of these pickup assignments.

Respondent's failure to follow DARP procedures on all three of these occasions and his failure to properly prepare PARs on two of these occasions are especially troubling. The Department recognizes that police responses to vehicular accidents present potential corruption hazards. This is reflected by the fact that Command Integrity Control Officers are required to regularly review PARs to look for "corruption indicators."³

With regard to Respondent's failure to follow DARP procedures on all three of these occasions and his failure to properly prepare PARs on two of these occasions, I find it significant that the Patrol Guide sections which delineate the duties of a uniformed officer who responds to the scene of a vehicular accident⁴ and which delineate the officer's duties under the DARP program⁵ are as precise, as strict and as nondiscretionary as any procedures contained in the Patrol Guide.

As the Respondent was fully aware, on each of these three occasions he was required to notify the dispatcher that towing services were needed so that the dispatcher could contact a tow company and so that the dispatcher could dispatch the patrol

³ Patrol Guide Procedure No. 202-15, (32).

⁴ Patrol Guide Procedure No. 217-01, (1-17).

⁵ Patrol Guide Procedure No. 217-09, (1-10).

supervisor to the scene.⁶ The fact that the Patrol Guide provision mandating that the dispatcher must select the towing company from an approved list “on a strict rotation basis” is underlined reflects the stringency of this requirement, as does the capitalized admonition that “PRECINCT COMMANDS ARE NOT AUTHORIZED TO MAKE NOTIFICATIONS” to towing companies.⁷

As Respondent was also fully aware, in responding to a vehicular accident he was required to properly prepare a PAR and “complete all relevant captions.”⁸ However, here when Respondent picked up and responded to the July 17, 2008 accident scene, he failed to prepare a PAR, and when Respondent handled the July 16, 2008 accident scene, he neglected to enter the name of the towing company on the PAR he prepared.

Respondent failed to enter that “Five Js Towing” had towed a disabled vehicle from the accident scene on the PAR he prepared on July 16, 2008, and he failed to prepare any PAR at all on July 17, 2008. When these failures are viewed in conjunction with Respondent’s failure to notify the radio dispatcher of the final dispositions of these pickup assignments, and his failure to make proper entries in his Activity Log regarding the final dispositions of disabled vehicles on July 17, 2008, his failures and omissions lead to the suspicion that he purposely avoided contacting the dispatcher and purposely avoided documenting that “Five Js Towing” had towed disabled vehicles from the scenes because he did not want the Department to learn that he had violated DARP by personally telephoning “Five Js Towing” from the accident scenes.

⁶ Patrol Guide Procedure No. 217-09, (5)

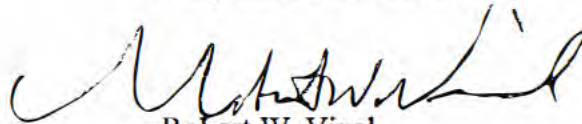
⁷ Patrol Guide Procedure No. 217-09, NOTE under (5).

⁸ Patrol Guide Procedure No. 217-01, (10-11).

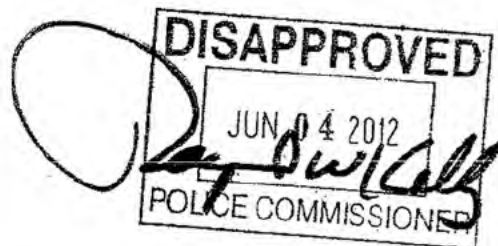
The Assistant Department Advocate recommended that Respondent be immediately Dismissed from the Department. However, since this trial marks the only time that Respondent has been found guilty of Charges and Specifications in 18 years of service, a penalty short of immediate termination appears to be warranted here. However, it must be made clear to Respondent that any further violations of Departmental procedures will result in his immediate separation from the Department.

Therefore, it is recommended that Respondent be DISMISSED from the New York City Police Department, but that his dismissal be held in abeyance for a period of one year, pursuant to Section 14 115 (d) of the Administrative Code, during which time he remains on the force at the Police Commissioner's discretion and may be terminated at any time without further proceedings. I further recommend that Respondent forfeit 30 vacation days.

Respectfully submitted,



Robert W. Vinal
Assistant Deputy Commissioner Trials



POLICE DEPARTMENT
CITY OF NEW YORK

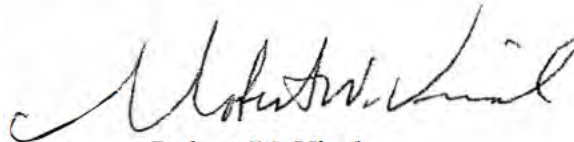
From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER RANDY PAGAN
TAX REGISTRY NO. 904735
DISCIPLINARY CASE NOS. 2010-557, 2010-562, 2010-559 &
2011-4932

Respondent received an overall rating of 2.5 on his 2010 performance evaluation, 3.0 on his 2009 evaluation, and 3.0 on his 2008 evaluation. He has been awarded one Meritorious Police Duty medal and two Excellent Police Duty medals. [REDACTED]

[REDACTED]. He has no formal disciplinary record.

On April 8, 2010, he was placed in Level II Discipline Monitoring, based on Charges and Specifications. This Discipline Monitoring ended on February 2, 2011.

For your consideration.



Robert W. Vinal
Assistant Deputy Commissioner – Trials